



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/767,143

01/29/2004

Pascal Charroppin

Q106386

4295

23373 7590 10/08/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

SALLIARD, SHANNON S

ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

10/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/767,143	Applicant(s) CHARROPPIN, PASCAL	
	Examiner SHANNON S. SALIARD	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08 September 2009 has been entered.

Status of Claims

2. Applicant has amended claims 1, 5, and 6, and cancelled claims 11-12. No claims have been newly added. Thus, claims 1-10 remain pending and are presented for examination.

Response to Arguments

3. Applicant's arguments, filed 08 September, with respect to the rejection of claims 5-10 under 35 U.S.C. 101 have been fully considered and are not persuasive. The rejection of claims 5-10 under 35 U.S.C. 101 is maintained.

4. Applicant argues, "As amended, claim 5 is tied to at least one particular machine and therefore withdrawal of the present rejection is respectfully requested." However, the Examiner asserts that while claims 5-10 identify the apparatus as a display, nominal recitations of structure in an otherwise ineligible method fail to make the method a

Art Unit: 3628

statutory process. See *Benson*, 409 U.S. at 71-72. As Comiskey recognized, "the mere use of the machine to collect data necessary for application of the mental process may not make the claim patentable subject matter." Incidental physical limitations, such as data gathering, field of use limitations, and post-solution activity are not enough to convert an abstract idea into a statutory process. In other words, nominal or token recitations of structure in a method claim do not convert an otherwise ineligible claim into an eligible one. To permit such a practice would exalt form over substance and permit claim drafters to file the sort of process claims not contemplated by the case law. Cf., *Flook*, 437 U.S. at 593 (rejecting the respondent's assumption that "if a process application implements a principle in some specific fashion, it automatically falls within the patentable subject matter of § 101," because allowing such a result "would make the determination of patentable subject matter depend simply on the draftsman's art and would ill serve the principles underlying the prohibition against patents for 'ideas' or phenomena of nature."). see *Ex parte Langemyr*. Since the use of the display is considered to be a nominal recitation of structure, and nominal recitations do not convert an otherwise non-statutory process into a process, claims 5-10 are directed to non-statutory subject matter.

5. Applicant's arguments filed 08 September 2009 have been fully considered but they are not persuasive.

6. Applicant argues, "It is submitted that claims 1 and 5 are patentable over the art of record because neither Baum nor Dlugos teach or fairly suggest emitting to the operator of the franking system, at the time of franking, a message". First, the Examiner

Art Unit: 3628

notes that the Examiner reviewed the Applicant's specification at pages 5, line 11-page 6, line 10 to find support for the additional limitation, "means for emitting to the operator of the franking system, at the time of franking, a message alerting that postal data corresponding to the mail item to be franked has been changed." At page 5, line 24, the Applicant states, "When a first franking is effected, the data entered via the keyboard relative to the mode of dispatch (urgent, ordinary, registered, etc...), to the category of mail (parcel, letter weighing less than 20 g, etc...) and to the destination of this mail item, and possibly the value of weight obtained from the balance, allow the processing unit to determine the postal product or service selected by the user for which the regulation tariff is to be applied. To that end, in a first step 20, the date of application of the postal data table stored in the standby memory is read. In a following step 22, this date of application is compared with the current date which is the date of franking to be borne on the mail article (which may be a date later than that day's date due to a possible post-dating), and if this date of application is later than the current date, the mail item is franked, in a new step 24, with the tariff of the table presently in the current memory, without taking into account the data stored in the standby memory which has therefore not yet effectively come into force." Thus, based on the Applicant's specification, "at the time of franking" is defined as after weight is obtained and after the postal table date is read. Accordingly, Baum discloses, "If no weight value from the scale 22 is identified and transmitted to the postage meter machine, then this is determined in interrogation step 204 and a branch is then made back to point s of the system routine 200. **The postage meter machine thus waits for an input from the**

Art Unit: 3628

scale 22. When this input ensues, a handshake signal is sent to the scale 22 in the step 205 and a branch is then made to step 206 in order to check whether a conversion is required, particularly on the basis of a stored conversion date and the current date in step 207. Given a requirement for a conversion, a branch is made to step 208 in order to implement an updating of the service data in the memory areas of the non-volatile memory 16. A branch is then made back to the point s of the system routine. Otherwise, the point t of the system routine 200 is reached. The input/display routine 209 contains a number of interrogation steps, each thereof being individually interrogated. The aforementioned German OS 195 34 530 discloses further interrogation steps. If no further inputs are present, the step 300 is executed without communication. When no further data were communicated, this being identified via the interrogation step 211, the point b of the system routine 200 is reached.” (col 8, lines 18-43). Thus, Baum discloses emitting, at the time of franking, a message alerting that postal data corresponding to the mail item to be franked has been changed. In addition, Dlugos et al discloses emitting to the operator of the franking system a message alerting to the expiration of tariffs (col 4, lines 32-35); and said device further comprises means for emitting the alert message to the operator upon a determination that there is a change in the postal tariffs (col 4, lines 32-35), whereupon the operator decides whether to replace the postal tariffs of the first table with the postal tariffs of the second table (col 4, lines 31-35; col 4, line 55- col 5, line 15; module “30” contains postal rate tables, and user plugs in module “30” to download new rate data

Art Unit: 3628

into module “30”). Therefore, the combined teachings of Baum and Dlugos et al yield Applicant’s claimed invention.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. **Claims 5-10** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the limitation “receiving on the keyboard a decision of the operator whether to replace the current postal data with new postal data” does not have support within the specification. The specification states that When a first franking is effected, the data entered via the keyboard 25 relative to the mode of dispatch (urgent, ordinary, registered, etc...), to the category of mail (parcel, letter weighing less than 20 g, etc...) and to the destination of this mail item, and possibly the value of weight obtained from the balance, allow the processing unit to determine the postal product or service selected by the user for which the regulation tariff is to be applied.” (page 5). There is no selection on the keyboard by the operator regarding replacing the postal data.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. **Claims 1 -10** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **claims 1 and 5**, the limitation "the time of franking" as written is vague and indefinite. There is lack of antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

12. **Claims 5-10** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 5-10 are directed to a series of steps. In order for a series of steps to be considered a proper process under § 101, a claimed process should either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). Thus, to qualify as patent eligible, these processes must positively recite the other statutory class to which it is tied (e.g., by identifying the apparatus the

Art Unit: 3628

accomplishes the method steps), or positively recite the subject matter that is being transformed (e.g., by identifying the product or material that is changed to a different state). While claims 5-10 identify the apparatus as a display, nominal recitations of structure in an otherwise ineligible method fail to make the method a statutory process. *See Benson, 409 U.S. at 71-72.* As Comiskey recognized, "the mere use of the machine to collect data necessary for application of the mental process may not make the claim patentable subject matter." Incidental physical limitations, such as data gathering, field of use limitations, and post-solution activity are not enough to convert an abstract idea into a statutory process. In other words, nominal or token recitations of structure in a method claim do not convert an otherwise ineligible claim into an eligible one. To permit such a practice would exalt form over substance and permit claim drafters to file the sort of process claims not contemplated by the case law. Cf., *Flook, 437 U.S. at 593* (rejecting the respondent's assumption that "if a process application implements a principle in some specific fashion, it automatically falls within the patentable subject matter of § 101," because allowing such a result "would make the determination of patentable subject matter depend simply on the draftsman's art and would ill serve the principles underlying the prohibition against patents for 'ideas' or phenomena of nature."). *see Ex parte Langemyr.* Since the use of the display is considered to be a nominal recitation of structure, and nominal recitations do not convert an otherwise non-statutory process into a process, claims 5-10 are directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claims 1-3, 6, 7, 9, and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Baum et al [US Patent 7,103,583] in view of Dlugos et al [US 6,463,133].

As per **claim 1**, Baum et al discloses a device alerting to the expiration of tariffs for a franking system, comprising a random access memory (RAM) for recording postal data (col 4, line 63-col 5, line 10) including:

a first table of postal tariffs relative to postal products and services, said first table of tariffs comprising postal tariffs applicable before a date of application (col 6, lines 34-54, memory area '16-02'),

a second table of postal tariffs relative to postal products and services, said second table of tariffs comprising postal tariffs applicable after said date of application (col 6, lines 34-54, memory area '16-01'); and

wherein said processing unit further comprises means for emitting to a franking system, at the time of franking, a message alerting that postal date corresponding to the mail item to be franked has been changed, if it has been determined that at least one of the postal data corresponding to the mail item to be franked has changed (col 8, lines 53-62, communicating an instruction to implement a conversion).

Although Baum et al does not explicitly disclose a processing unit comprising comparing means for comparing postal data in said first table of postal tariffs with corresponding postal data in said second table of postal tariffs, Baum et al does disclose the release order number of the previous postage fee schedule (first table) is compared to the version number of the postage fee schedule to be loaded in the future (second table) (col 7, lines 45-54). Furthermore, Baum et al further discloses that the release number is the combination of a version and revision number (col 10, lines 22-24, revision number indicates that there is a change in data). While in Baum et al the release numbers of the tables are compared instead of the postal tariffs of the tables, it would have been obvious to one of ordinary skill in the art at the time of the invention to compare the postal tariffs in the tables instead of the release date for the similar reason of indicating a change in postal tariffs and to yield the predicted outcome of ensuring that the postal tariffs being utilized in the franking machine are valid and updated, as suggested by Baum et al (col 7, lines 46-48).

While Baum et al discloses means for emitting to a franking system, at the time of franking, a message alerting that postal data corresponding to the mail item to be franked has been changed, if it has been determined that at least one of the postal data corresponding to the mail item to be franked has changed (col 8, lines 53-62, communicating an instruction to implement a conversion), Baum et al does not disclose emitting a message to the operator of the franking system; and means for receiving a decision of the operator whether to replace the postal tariffs of the first table with the

Art Unit: 3628

postal tariffs of the second table, for updating the postal tariffs at the operator's request.

However, Dlugos et al discloses emitting to the operator of the franking system a message alerting to the expiration of tariffs (col 4, lines 32-35); and said device further comprises means for emitting the alert message to the operator upon a determination that there is a change in the postal tariffs (col 4, lines 32-35), whereupon the operator decides whether to replace the postal tariffs of the first table with the postal tariffs of the second table (col 4, lines 31-35; col 4, line 55- col 5, line 15; module "30" contains postal rate tables, and user plugs in module "30" to download new rate data into module "30"). It would have been obvious to one of ordinary skill in the art to include in the postal system of Baum et al the ability to emit to an operator that postal tariffs are expiring, and allow the operator to replace the expired tables as taught by Dlugos et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claim 2**, Baum et al further discloses wherein said second table of postal tariffs is loaded in the franking system at a periodicity defined by the Postal Service (col 9, lines 22-25).

As per **claim 3**, Baum et al further discloses wherein said second table of postal tariffs is loaded in the franking system from a remote resetting centre (col 3, lines 6-7).

As per **claim 6**, Baum et al further discloses wherein the new postal data are stored at the location of the current postal data when the operator has accepted the updating of these postal data (col 4, lines 12-22).

As per **claim 7**, Baum et al further discloses wherein the current postal data are stored in a blank part of the RAM, to be kept for control purposes (col 6, lines 14-17; col 7, lines 58-61).

As per **claim 9**, Baum et al discloses wherein the postal data comprise postal tariffs (col 12, lines 52-54).

As per **claim 10**, Baum et al further discloses wherein the postal data comprise postal products and services (col 12, lines 52-54).

15. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Baum et al [US Patent 7,103,583] in view of Dlugos et al [US 6,463,133] as applied to claim 1, and in further view of Thiel [US 6,321,214].

As per **claim 4**, While Baum et al and Dlugos et al disclose loading a second table of postal tariffs in the franking system (Baum et al: col 7, lines 45-54), Baum et al and Dlugos et al do not disclose wherein said second table of postal tariffs is loaded in the franking system whenever credit is reloaded. However, Thiel discloses wherein said second table of postal tariffs is loaded in the franking system whenever credit is reloaded (col 22, lines 18-25). Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the modified Baum et al to include the method disclosed by Thiel for the advantage of convenience, efficiency, and

Art Unit: 3628

in order to be sure the proper rates are always present on the customer system.

Furthermore, it would have been obvious to one of ordinary skill in the art to include in the postage system of the modified Baum et al the ability to load a new tariff table when credit is reloaded as taught by Thiel since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

16. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Baum et al [US Patent 7,103,583] in view of Dlugos et al [US 6,463,133] as applied to claim 1, and in further view of Official Notice.

As per **claim 5**, Baum et al discloses a device alerting to the expiration of tariffs for a franking system, comprising a random access memory (RAM) for recording postal data (col 4, line 63-col 5, line 10) including:

a first table of postal tariffs relative to postal products and services, said first table of tariffs comprising postal tariffs applicable before a date of application (col 6, lines 34-54, memory area '16-02'),

a second table of postal tariffs relative to postal products and services, said second table of tariffs comprising postal tariffs applicable after said date of application (col 6, lines 34-54, memory area '16-01'); and

wherein said processing unit further comprises means for emitting to a franking system, at the time of franking, a message alerting that postal date corresponding to

Art Unit: 3628

the mail item to be franked has been changed, if it has been determined that at least one of the postal data corresponding to the mail item to be franked has changed (col 8, lines 53-62, communicating an instruction to implement a conversion).

Although Baum et al does not explicitly disclose a processing unit comprising comparing means for comparing postal data in said first table of postal tariffs with corresponding postal data in said second table of postal tariffs, Baum et al does disclose the release order number of the previous postage fee schedule (first table) is compared to the version number of the postage fee schedule to be loaded in the future (second table) (col 7, lines 45-54). Furthermore, Baum et al further discloses that the release number is the combination of a version and revision number (col 10, lines 22-24, revision number indicates that there is a change in data). While in Baum et al the release numbers of the tables are compared instead of the postal tariffs of the tables, it would have been obvious to one of ordinary skill in the art at the time of the invention to compare the postal tariffs in the tables instead of the release date for the similar reason of indicating a change in postal tariffs and to yield the predicted outcome of ensuring that the postal tariffs being utilized in the franking machine are valid and updated, as suggested by Baum et al (col 7, lines 46-48).

While Baum et al discloses means for emitting to a franking system, at the time of franking, a message alerting that postal date corresponding to the mail item to be franked has been changed, if it has been determined that at least one of the postal data corresponding to the mail item to be franked has changed (col 8, lines 53-62, communicating an instruction to implement a conversion), Baum et al does not disclose

Art Unit: 3628

emitting a message to the operator of the franking system; and means for receiving a decision of the operator whether to replace the postal tariffs of the first table with the postal tariffs of the second table, for updating the postal tariffs at the operator's request.

However, Dlugos et al discloses emitting to the operator of the franking system a message alerting to the expiration of tariffs (col 4, lines 32-35); and said device further comprises means for emitting the alert message to the operator upon a determination that there is a change in the postal tariffs (col 4, lines 32-35), whereupon the operator decides whether to replace the postal tariffs of the first table with the postal tariffs of the second table (col 4, lines 31-35; col 4, line 55- col 5, line 15; module "30" contains postal rate tables, and user plugs in module "30" to download new rate data into module "30"). It would have been obvious to one of ordinary skill in the art to include in the postal system of Baum et al the ability to emit to an operator that postal tariffs are expiring, and allow the operator to replace the expired tables as taught by Dlugos et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Baum does not explicitly disclose when it is determined that the current postal data has not changed, franking the mail item with the current postal data using a franking machine even though the date of application of the current postal data is out of date. However, the Examiner takes Official Notice that it is old and well known in the

Art Unit: 3628

art at the time of the invention to continue to operate a franking machine with the current postal data when it is determined that the postal data has not changed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of the modified Baum to include franking the mail item with the current postal data when it is determined that the current postal date has not changed so that there is no disruption in service.

While Baum and Dlugos disclose a decision of the operator whether to replace the current postal data with new postal data, Baum and Dlugos do not disclose receiving the decision on a keyboard. However, the Examiner takes Official Notice that it is old and well known in the art at the time of the invention to receive a decision from an operator via a keyboard. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the modified Baum to include receiving on the keyboard a decision by the operator because a keyboard is a known way to receive instructions from an operator.

17. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Baum et al [US Patent 7,103,583] in view of Dlugos et al [US 6,463,133] as applied to claim 5, and in further view of Eckert [US 4,516,014].

As per **claim 8**, While Baum et al and Dlugos et al disclose emission of a message alerting to the expiring of tariffs (Dlugos et al: col 4, lines 32-35), Baum et al and Dlugos et al do not disclose wherein the emission of the message alerting to the expiration of tariffs is inhibited by the operator except for the first such message after

Art Unit: 3628

the franking system has been put into operation. However, Eckert discloses wherein emission of an alerting message is inhibited by an operator except for the first such message after the franking system has been put into operation (col 8, line 66-col 9, line 14, Examiner interprets a message to be the same as a warning light). It would have been obvious to one of ordinary skill in the art to include in the postage system of the modified Baum et al the ability to inhibit an alerting message as taught by Eckert since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANNON S. SALIARD whose telephone number is (571)272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(571) 273-5587 [Informal/ Draft Communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Shannon S Saliard
Primary Examiner
Art Unit 3628

/Shannon S Saliard/
Primary Examiner, Art Unit 3628